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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/128,244 08/03/98 ELLISON L 233/038

DEREK J. WESTBERG
STEVENS & WESTBERG, LLP
99 NORTH FIRST STREET
SUITE 201
SAN JOSE CA 95113

TM02/1107

EXAMINER

FIELDS;K

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/128,244

Applicant(s)
Ellison et al

Examiner
Kenneth Fields

Art Unit
2153



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 17, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-79 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Aug 27, 2001 is: ☒ approved ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 29, 30, 32-34, 36-38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramasubramanian et al (US 6,172,672).

Regarding claims 29, 33 and 37, Ramasubramanian discloses a system for sending improved quality video data to a client, comprising the steps of: sending a video stream to said client in accordance with a set of streaming constraints, said video stream comprising at least a subset of video information from a first source (fig. 1B, element 134); receiving a signal indicating a relaxation of said streaming constraints (col. 6, line 25 - col. 7, line 12); in response to said signal, accessing a set of improved quality video information from a second source (fig. 1B, element 140), said improved quality video information comprising an improved quality version of at least a subset of the video information in said video stream, wherein said improved quality video information includes a plurality of still images (a video stream is composed of frames, each

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frame being a single still image); and sending said set of improved quality video information to said client (col. 6, line 25 - col. 7, line 12).

Regarding claims 30, 34 and 38, Ramasubramanian discloses said step of accessing said set of improved quality video information comprising the steps of: determining a first reference point from the information in said video stream; correlating said first reference point with a second reference point in said second source; and retrieving said set of improved quality video information from said second source based upon said second reference point (col. 6, line 25 - col. 7, line 12).

Regarding claims 32, 36 and 40, Ramasubramanian discloses a system, wherein said signal indicates that video information is to be displayed at said client at a slower presentation rate, and wherein said step of sending said set of improved quality video information comprises the step of streaming said improved quality video information to said client at an appropriate streaming rate to accommodate said slower presentation rate (col. 6, line 25 - col. 7, line 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 31, 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al (US 6,172,672).

Regarding claims 31, 35 and 39, Ramasubramanian does not disclose still images which take the form of an image file such a JPEG file. Official Notice is taken of the well known use of the JPEG video format for transmitting multimedia information over a network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Ramasubramanian to transmit video information in JPEG video format. The rationale is as follows: as JPEG file formats are widely utilized and supported on the world wide web, one of ordinary skill in the art would have been motivated to provide the video distribution system of Ramasubramanian in a format such as JPEG, thereby providing the information in a standard format which can be transmitted easily via the Internet.

5. Claims 41-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al (US 6,172,672) in view of Palmer (US 6,195,683).

Regarding claims 41, 51, 62 and 71, Ramasubramanian discloses a system for sending improved quality video data to a client, comprising the steps of: sending a video stream to said client in accordance with a set of streaming constraints, said video stream comprising at least a subset of video information from a first source (fig. 1B, element 134); receiving a signal indicating a relaxation of said streaming constraints (col. 6, line 25 - col. 7, line 12); in response to said signal, accessing a set of improved quality video information from a second source (fig. 1B,

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element 140), said improved quality video information comprising an improved quality version of at least a subset of the video information in said video stream, and sending said set of improved quality video information to said client (col. 6, line 25 - col. 7, line 12).

Regarding claims 41, 51, 62 and 71, Ramasubramanian does not disclose sending time stamps to the client regarding the video information. Palmer discloses a method of transmitting multimedia information to clients wherein time stamps are included with the information (col. 13, lines 40-45 and col. 15, lines 27-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Ramasubramanian with the ability to include time stamps with the information transmitted to the client as disclosed by Palmer. The rationale is as follows: by providing time stamps with the information transmitted to the client, the video data and audio data can be properly synchronized at the client workstation.

Regarding claims 42, 52, 63 and 72, Ramasubramanian discloses a system wherein said improved quality video information includes a plurality of still images (a video stream is composed of frames, each frame being a single still image).

Regarding claims 43, 46, 47, 53, 57, 58, 67, 68, 76 and 77, Ramasubramanian discloses a system wherein the second source comprises a set of preprocessed information ready to be streamed and a system said signal indicates that video information is to be displayed at said client at a slower presentation rate, and wherein said step of sending said set of improved quality video information comprises the step of streaming said improved quality video information to said client

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at an appropriate streaming rate to accommodate said slower presentation rate (col. 6, line 25 - col. 7, line 12).

Regarding claims 44, 45, 55, 56, 65, 66, 74 and 75, Ramasubramanian does not disclose still images which take the form of an image file such a JPEG file or video information in the MPEG format. Official Notice is taken of the well known use of the JPEG video format and MPEG video format for transmitting multimedia information over a network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Ramasubramanian to transmit video information in JPEG and MPEG format . The rationale is as follows: as JPEG and MPEG file formats are widely utilized and supported on the world wide web, one of ordinary skill in the art would have been motivated to provide the video distribution system of Ramasubramanian in a format such as JPEG and MPEG, thereby providing the information in a standard format which can be transmitted easily via the Internet.

Regarding claims 48, 59, 69 and 78, Ramasubramanian discloses improved quality video information which includes selected frames from the second source and omits skipped video information from the second source (col. 6, line 25 - col. 7, line 12).

Regarding claims 49, 50, 60, 61, 69, 70, 78 and 79, Ramasubramanian does not disclose the signal being generated in response to a request for a seek or rewind operation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the video distribution system as disclosed by Ramasubramanian for operations desired by a client such as seek and rewind, thereby enabling the client to receive improved quality video information.

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Regarding claims 54, 64, and 73, Ramasubramanian discloses a system wherein said improved quality video information includes a plurality of still images (a video stream is composed of frames, each frame being a single still image). Regarding the time stamp information, these claims are rejected under similar rationale as claims 41, 51, 62 and 71 (see above).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Fields whose telephone number is (703) 308-4954.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Kf

Kenneth Fields
November 2, 2001


GLENDA B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100